

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TIMOTHY MCCLENON  
ASHFORD, #1393974,

*Petitioner,*

v.

DIRECTOR, TDCJ-CID,

*Respondent.*

§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 3:24-cv-00313-X-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE  
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. (Doc. 9). The District Court reviewed the findings, conclusions, and recommendation for clear error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Further, considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts,<sup>1</sup> and 28 U.S.C. § 2253(c), the Court **DENIES** a

---

<sup>1</sup> See Pub. L. No. 94-426, 90 Stat. 1334 (1976) (approving the Supreme Court's proposed rules related to 28 U.S.C. §§ 2254 and 2255). Rule 11, as amended effective on December 1, 2009, reads as follows:

(a) Certificate of Appealability. The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C.

certificate of appealability. The Court adopts and incorporates by reference the Magistrate Judge's findings, conclusions, and recommendation filed in this case in support of its finding that the Petitioner has failed to show (1) "that reasonable jurists would find [the Court's] assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists "would find it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [the Court] was correct in its procedural ruling."<sup>2</sup>

But, if Petitioner elects to file a notice of appeal, Petitioner must either pay the appellate filing fee or move for leave to appeal *in forma pauperis*.

**IT IS SO ORDERED** this 21st day of October 2024.



---

BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

---

§ 2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

(b) Time to Appeal. Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order entered under these rules. A timely notice of appeal must be filed even if the district court issues a certificate of appealability.

<sup>2</sup> *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).